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Huhtamaki Finance, B.V.,
Hershey Chocolate & Confectionery
Corporation and the Hershey Company

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

HUHTAMAKI FINANCE, B.V., a
Netherlands corporation;
HERSHEY CHOCOLATE &
CONFECTIONERY
CORPORATION, a Delaware
corporation; and THE HERSHEY
COMPANY, a Delaware corporation

Plaintiffs,

- vs -

KENNETH DEAN AFFOLTER, an
individual, dba BEYOND BOMB

Defendant.

CASE NO. C07-02514 RS

ADDENDUM TO DECLARATION
OF VITO A. COSTANZO IN
SUPPORT OF REQUEST TO ENTER
DEFAULT

DECLARATION OF VITO A. COSTANZO

I, Vito A. Costanzo, declare as follows:

1. I am attorney at law licensed to practice before this Court and I am a member of Holland & Knight LLP, counsel for Plaintiffs herein. I have personal knowledge of the matters stated herein and could truthfully testify thereto if called upon as a witness.

1 2. This Declaration is offered in support of Plaintiffs the
2 Huhtamaki Finance, B.V., Hershey Chocolate & Confectionery Corporation and
3 The Hershey Company's request that the Clerk of the above-entitled Court enter
4 default in this matter against Defendant Kenneth Dean Affolter, d/b/a Beyond
5 Bomb on the ground that said Defendant has failed to appear or otherwise respond
6 to the Complaint within the time prescribed by the Federal Rules of Civil
7 Procedure.

8 3. Attached hereto as Exhibit "1" is a true and correct copy of the Proof
9 of Service reflecting that the Complaint was served on the Defendant on May 15,
10 2007.

11 4. My name is the only name referenced on the Summons and
12 Complaint. I have not received a response to the Complaint from the Defendant as
13 of today's date.

14 5. To the best of my knowledge the defendant is not incompetent, not an
15 infant and not in the military.

16 I declare under penalty of perjury and under all the laws of the United States
17 that the foregoing is true and correct. Executed this 3rd day of July 2007 at Los
18 Angeles, California.

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Vito A. Costanzo

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PROOF OF SERVICE

State of California)
)
County of Los Angeles) ss.

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 633 West Fifth Street, 21st Floor, Los Angeles, California 90071.

On July 3, 2007, I served the document described as **ADDENDUM TO DECLARATION OF VITO A. COSTANZO IN SUPPORT OF REQUEST TO ENTER DEFAULT** on the interested parties in this action, enclosed in a sealed envelope, addressed as follows:

David M. Michael, Esq.
414 Gough Street, #2
San Francisco, CA 94102

Kenneth Dean Affolter
Glenn E. Dyer Detention
550 Sixth Street
Oakland, CA 94607

[X] **(By Mail)** Following ordinary business practices, I placed the document for collection and mailing at the offices of Holland & Knight LLP, 633 West Fifth Street, 21st Floor, Los Angeles, California 90071, in a sealed envelope. I am readily familiar with the business's practice for collection and processing of correspondence for mailing with the United States Postal Service, and, in the ordinary course of business, such correspondence would be deposited with the United States Postal Service on the day on which it is collected at the business.

[] **(BY UPS)** Following ordinary business practices, I placed the document for collection and UPS delivery at the offices of Holland & Knight LLP, 633 West Fifth Street, 21st Floor, Los Angeles, California 90071. I am readily familiar with the business' practice for collection and processing of correspondence for delivery by UPS, and, in the ordinary course of business, such correspondence would be deposited with UPS on the day on which it is collected at the business.

[] **(BY PERSONAL SERVICE)** I delivered such envelope by hand to the offices of the addressee stated on the attached service list.

Executed on July 3, 2007, Los Angeles, California

X I declare under penalty of perjury under the laws of the State of California that the above is true and correct.



Conchita Nickles